SUPREME COURT, U. S.

FEB 3 1969

JOHN F. DAVIS, CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

(October Term, 1968)

No. 909

ELMER HAHN - - - - - - - - - **Petitioner**

v.

KENTUCKY ALCOHOLIC BEVERAGE CONTROL BOARD, and its individual members, HAROLD MOBERLY, A. B. MEADE and R. CAREY GRAHAM - - - - - **Respondent**

OPPOSITION OF RESPONDENT TO PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF KENTUCKY

CHANCELLOR & DARNELL
By Chat Chancellor
507-11 McClure Building
Frankfort, Kentucky 40601
Attorneys for Respondent

I certify that a copy of this Response was served upon Hon. William F. Hopkins and Hon. Peter Pandilidis, 414 Walnut Street, Cincinnati, Ohio 45202, Attorneys for Petitioner, by United States Mail this the 1 day of Feb., 1969.

Chat Chancellor

Attorney for Respondent

ROBERTS PRINTING CO., FRANKFORT, KY.

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MAY IT PLEASE THE COURT:

Respondent respectfully opposes the issuance of a writ of certiorari herein for the following reasons:

1. The petition was not timely filed in that more than sixty days (Rule 22) had expired since judgment was entered, (Petition, page 4), and no notice of any extension order was served upon respondent (Rule 34).

2. The petition does not specify the stage in the proceedings at which nor the manner in which any federal question was raised nor that such a question was raised or passed upon.

3. The judgment sought to be reviewed purports to be a "Decision of the United States Court of

Appeals of Kentucky." This is confusing and respondent merely points out that the decision is one handed down by the "Court of Appeals of Kentucky," that Commonwealth's highest court.

4. No substantial federal question is presented.

Respectfully submitted,

CHANCELLOR & DARNELL

By _____

507-11 McClure Building
Frankfort, Kentucky 40601
Attorneys for Respondent